

### **REMARKS**

The Applicant thanks the Examiner for the detailed, non-final Office Action mailed on July 26, 2005, including the allowance of Claims 52-58 and 74-79. This Reply and Amendment is intended to be completely responsive to the non-final Office Action.

#### **Status of the Claims**

Claims 29, 31, 33-36, 43-49, 51-58, and 74-79 are currently pending.

Claims 52-58, and 74-79 have been allowed.

Claims 29, 31-36, 43-49, and 51 stand rejected.

Claims 29, 33-36, and 48 are currently amended.

Claim 32 is canceled.

Applicant respectfully requests reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow.

#### **Claim Rejections – Double Patenting**

On page 2 of the Office Action, the Examiner rejected claims 29, and 31-36 under the judicially created doctrine of obviousness-type double patenting. Applicants will respond to the double patenting rejections on the merits once an indication has been received that the present claims that are being rejected for this reason are otherwise allowable.

#### **Claim Rejections – 35 U.S.C. § 102**

On page 3 of the Office Action, the Examiner rejected Claims 43-47 as anticipated by U.S. Patent No. 5,366,012 titled “Method of Completing an Uncased Section of a Borehole” by Lohbeck (“Lohbeck”) under 35 U.S.C. § 102(b). With respect to Claims 43-47, Applicants respectfully traverse the rejection.

The Examiner stated that Lohbeck discloses “delivering a sand screen to a wellbore region having a nonuniform diameter formed by a cased section and an openhole section,

applying an expansion force to the sand screen in a radially outward direction and expanding the sand screen to substantially eliminate any annulus between the sand screen and the wellbore region having the nonuniform diameter.”

Claim 43, as the Examiner noted, includes the limitation of expanding the sand screen to substantially eliminate any annulus between the sand screen and the wellbore region having the nonuniform diameter. However, the screen of Lohbeck does not appear to be capable of this. The screen of Lohbeck expands to a single permanent diameter (col. 2, ll 14-18). Lohbeck does not teach or disclose a method comprising expanding the sand screen to substantially eliminate any annulus between the sand screen and the wellbore region having the nonuniform diameter. Accordingly, independent claim 43 and dependent claims 44-47 are not anticipated by Lohbeck.

The Applicants respectfully request withdrawal of the rejection of Claims 43-47 under 35 U.S.C. § 102(b).

On page 4 of the Office Action, the Examiner rejected Claims 48, 49, and 51 as anticipated by U.S. Patent No. 6,478,091 titled “Expandable Liner and Associated Methods of Regulating Fluid Flow in a Well” by Gano (“Gano”) and U.S. Patent No. 6,725,934 titled “Expandable Packer Isolation System” by Coronado et al. (“Coronado”) under 35 U.S.C. § 102(e). With this amendment, Claim 48 has been amended.

Claim 48, as amended recites a system “wherein at least one of the plurality of expandable filter sections are configured to eliminate any annulus between the sand screen and the wellbore region having the nonuniform diameter.” Claims 49 and 51 depend from Claim 48.

Neither Gano nor Coronado teach or disclose a system wherein at least one of the plurality of expandable filter sections are configured to eliminate any annulus between the sand screen and the wellbore region having the nonuniform diameter. Accordingly, independent claim 48 and dependent claims 49 and 51 are not anticipated by Dayton.

The Applicants respectfully request withdrawal of the rejection of Claims 48, 49, and 51 under 35 U.S.C. § 102(e)

**Claim Rejections – 35 U.S.C. § 103**

On page 5 of the Office Action, the Examiner rejected Claims 29, 31-34 and 36 as being obvious over U.S. Patent No. 5,901,789 titled “Deformable Well Screen” to Donnelly et al. (“Donnelly”) in view of U.S. Patent No. 2,812,025 titled “Expansible Liner” to Teague et al. (“Teague”) under 35 U.S.C. § 103(a).

The Examiner stated that “Donnelly discloses...an expandable tubular system having a tubular member...with a plurality of openings having a first layer overlapping a second layer along an exterior of the tubular member.” However, the Examiner acknowledged that Donnelly does not disclose a locking mechanism. The Examiner stated that Teague discloses a locking mechanism which facilitates maintaining the tubular system in the expanded condition. The Examiner concluded that it would be obvious to one of ordinary skill in the art at the time of the invention to modify the system disclosed by Donnelly to have a locking mechanism as taught by Teague.”

Claim 29 (as amended) is in independent form and recites a “system for improving the collapse resistance of an expandable device” comprising, in combination with other elements, a locking mechanism “wherein the locking mechanism is at least partially disposed within one of the first layer or the second layer”. Claims 31, and 33-36 depend from independent Claim 29 (as amended).

The “system for improving the collapse resistance of an expandable device” recited in independent Claim 29 (as amended) would not have been obvious in view of Donnelly, alone or in any proper combination with Teague under 35 U.S.C. § 103(a). Donnelly alone or in any proper combination with Teague does not disclose, teach or suggest a “locking mechanism [which] is at least partially disposed within one of the first layer or the second layer.” To transform the system of Donnelly and the system of Teague into the system (as recited in Claim 29) would require still further modification, and such modification is taught only by the Applicants’ own disclosure. The suggestion to make the combination of Donnelly

and Teague has been taken from the Applicants' own specification (using hindsight), which is improper.

On page 6 of the Office Action, the Examiner rejected Claim 35 as being obvious over Donnelly in view of Teague and further in view of U.S. Patent No. 2,769,655 to Holmes ("Holmes") under 35 U.S.C. § 103(a). Claim 35 depends from Claim 29 (as amended) and, for the reasons stated above, is not obvious over Donnelly in view of Teague. Holmes does not cure this deficiency. Accordingly, Claim 35 is not obvious over Donnelly in view of Teague and further in view of Holmes.

The Applicants respectfully request withdrawal of the rejection of Claims 29, 31, and 33-36 under 35 U.S.C. § 103(a).

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Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136.

Respectfully submitted,

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By 

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